



U.S. PATENT APPLICATION  
ATTORNEY DOCKET NO. T4855.CIP

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### DECLARATION, POWER OF ATTORNEY AND PETITION

We, Joseph O. Norris, James J. Croft, III, Alan Robert Selfridge, and Pierre Khuri-Yakub, declare: that we are citizens of the United States of America; that our residences and post office addresses are 17966 Don Picos Park Road, Ramona, California 92065; 13633 Quiet Hills Drive, Poway, California 92604; 50 Ocean View Road, Los Gatos, California 95030, and 4151 Donald Drive, Palo Alto, California 94306-3823, respectively; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled PIEZOELECTRIC FILM SONIC EMITTER, for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with § 1.56(a) of Title 37 of the Code of Federal Regulations.

We hereby claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed U.S. patent application serial no. 08/819,614 filed March 17, 1997 ; and, insofar as the subject matter of each of the claims of these applications is not disclosed in the earlier filed pending applications in the manner provided by the first paragraph of Section 112 of Title 35 of the United States code, we acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed applications and the filing date of this application.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents, VAUGHN W. NORTH, Registration No. 27,930, M. WAYNE WESTERN, Registration No. 22,788, MICHAEL W. STARKWEATHER, Registration No. 34,441, GARRON M. HOBSON, Registration No. 41,073, WEILI CHENG, Registration No. P44,609, DAVID R. MCKINNEY, Registration No. 42,868, STEVE M. PERRY, Registration No. P45,357, GARY P. OAKESON, Registration No. P44,266, and DAVID W. OSBORNE, Registration No. 44,989, all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

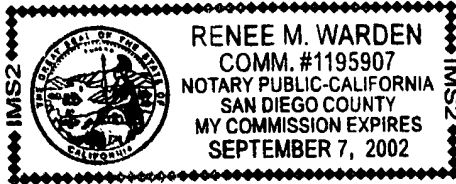
All correspondence and telephonic communications should be directed to:

**Vaughn W. North/SMP**  
**THORPE, NORTH & WESTERN, L.L.P.**  
**P.O. Box 1219**  
**Sandy, Utah 84091-1219**  
**Telephone: (801) 566-6633**  
**Facsimile: (801) 566-0750**

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at San Diego, CA, this 7<sup>th</sup> day of December, 1999.

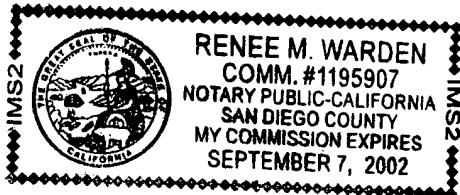
INVENTOR:



Joseph O. Norris  
Joseph O. Norris  
17966 Don Picos Park Road  
Ramona, California 92065

Signed at San Diego, CA, this 7<sup>th</sup> day of December, 1999.

INVENTOR:



James J. Croft, III  
James J. Croft, III  
13633 Quiet Hills Drive  
Poway, California 92604

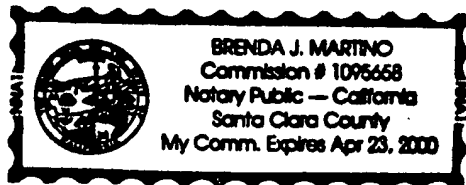
Signed at Soquel, CA, this 22 day of December, 1999.

INVENTOR:

Alan Robert Selfridge  
Alan Robert Selfridge  
50 Ocean View Road  
Los Gatos, California 95030

Signed at STANFORD, CA, this 20<sup>th</sup> day of January, 2000, 1999.

INVENTOR:



P. T. Khuri-Yakub

Pierre Khuri-Yakub  
4151 Donald Drive  
Palo Alto, California 94306-3823

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**DECLARATION CLAIMING SMALL ENTITY STATUS  
FOR A SMALL BUSINESS CONCERN**

I, Richard H. Wagner, hereby declare: that I am Vice President of American Technology Corporation, a corporation of the State of Delaware and having a principal place of business at 13114 Evening Creek Road, San Diego, California 92128; that I am empowered to act on behalf of said corporation; and that said corporation qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18 and 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons. I understand that, for purposes of this declaration, (1) the number of employees is the average over the previous fiscal year of the number of persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and that (2) two business concerns are considered to be affiliates of each other when one business concern either directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both business concerns.

I further declare that all rights, title, and interest relating to the invention entitled PIEZOELECTRIC FILM SONIC EMITTER, invented by Joseph O. Norris, James J. Croft, III, Alan Robert Selfridge, and Pierre Khuri-Yakub, as described in the patent application filed concurrently herewith, have been conveyed to and currently remain with said corporation.

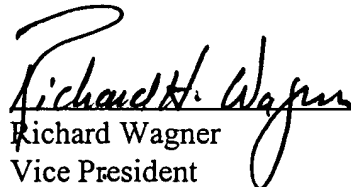
THORPE, NORTH & WESTERN, L.L.P.  
P.O. BOX 1219  
SANDY UT 84091-1219  
TEL. (801) 523-0809

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at San Diego, California this 7<sup>th</sup> day of December, 1999.

AMERICAN TECHNOLOGY CORPORATION

By:

  
Richard Wagner  
Vice President

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THORPE, NORTH & WESTERN, L.L.P.  
P.O. BOX 1219  
SANDY UT 84091-1219  
TEL. (801) 523-0809